



SEANAD ÉIREANN

**AN BILLE UM SHEIRBHÍSÍ MAOINE (RIALÁIL) 2009
PROPERTY SERVICES (REGULATION) BILL 2009**

**LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL**

SEANAD ÉIREANN

AN BILLE UM SHEIRBHÍSÍ MAOINE (RIALÁIL) 2009 [BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

PROPERTY SERVICES (REGULATION) BILL 2009 [SEANAD BILL AMENDED BY THE DÁIL]

*Leasuithe a rinne an Dáil
Amendments made by the Dáil*

SECTION 2

1. In page 12, between lines 11 and 12, the following inserted:

“ “Commercial Leases Database” means the Commercial Leases Database established under *section 87(1)**;

“commercial property” means property that is used for the purposes of business within the meaning of section 3 of the Landlord and Tenant (Amendment) Act 1980;

“commercial property lease” means an instrument creating a tenancy in respect of commercial property;”.

[*Note: This is a reference to the section inserted by amendment No. 80.]

2. In page 12, line 17, “partner” deleted and the following substituted:

“civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010”.

3. In page 12, line 20, “partner” deleted and the following substituted:

“civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010”.

4. In page 12, line 41, “of,” deleted and “, of” substituted.

5. In page 13, line 28, “partner, employee or agent or former partner” deleted and the following substituted:

“principal officer, employee or agent or former principal officer”.

6. In page 13, line 38, after “59(2),” “60(1)*,” inserted.

[*Note: This is a reference to the section inserted by amendment No. 61.]

7. In page 14, between lines 28 and 29, the following inserted:

“ “land” has the meaning assigned to it by the Land and Conveyancing Law Reform Act 2009;”.

8. In page 15, lines 28 to 30 deleted and the following substituted:

“(i) which is formed for the purposes of becoming the owner of all or some of the common areas of the development, and”.

[SECTION 2]

9. In page 15, line 38, “Law Reform” deleted and “Equality” substituted.

10. In page 15, lines 40 to 42 deleted and the following substituted:

“(a) the issue, to the licensee, of—

(i) advice (including advice relating to participation in a professional competence scheme),

(ii) a caution,

(iii) a warning, or

(iv) a reprimand,

or”.

11. In page 15, line 46 deleted and the following substituted:

“estate, or any other complex or estate containing residential units within the meaning of the Multi-Unit Developments Act 2011;”.

12. In page 16, lines 3 and 4 deleted.

13. In page 16, line 38, “partner, employee or agent or former partner” deleted and the following substituted:

“principal officer, employee or agent or former principal officer”.

14. In page 17, line 4, after “provision”, “, for consideration,” inserted.

15. In page 17, lines 20 to 24 deleted and the following substituted:

““property services employer” means a person (referred to in this definition as “the employer”)—

(a) who is an individual who provides a property service where an employee of the employer may also provide such service on behalf of the employer, or

(b) whose employees or principal officers provide a property service on behalf of the employer,

and whether or not the employer engages in any other business;”.

16. In page 17, between lines 28 and 29, the following inserted:

““relevant commercial lease” means a commercial property lease entered into on or after the commencement of *section 87**;”.

[*Note: This is a reference to the section inserted by amendment No. 80.]

17. In page 17, between lines 32 and 33, the following inserted:

““residential property” means a property that is used as a self-contained residential unit and includes any land appurtenant to it or usually enjoyed with it;”.

SECTION 3

18. In page 19, subsection (1), line 1, “does” deleted and “shall” substituted.

[SECTION 6]

SECTION 6

19. In page 21, line 25, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 7

20. In page 21, subsection (2), line 28, “Part 1” deleted and “Part 2” substituted.

SECTION 9

21. In page 22, subsection (2)(c), line 2, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 10

22. In page 22, lines 34 to 38, subsection (4) deleted and the following substituted:

“(4) Of the members of the Authority—

(a) not more than 3 shall be persons who, in the opinion of the Minister, are representatives of persons who provide property services,

(b) not less than 3 shall be persons who, in the opinion of the Minister, have knowledge of, or experience in, consumer affairs, and

(c) one shall be an officer of the Minister.”.

23. In page 23, subsection (12)(b), line 47, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 11

24. In page 25, subsection (2)(n), line 43, “and” deleted and the following substituted:

“(o) maintain and publish particulars of residential property sales prices,

(p) establish and maintain the Commercial Leases Database, and”.

25. In page 26, subsection (4), lines 9 and 10, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 14

26. In page 28, subsection (1)(b), line 6, “Finance” deleted and “Public Expenditure and Reform” substituted.

27. In page 28, subsection (3), line 12, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 15

28. In page 28, lines 36 to 47 deleted and in page 29, lines 1 to 48 deleted.

[SECTION 16]

SECTION 16

29. In page 30, subsection (2), lines 12 and 13, “fine not exceeding €5,000” deleted and “class A fine” substituted.

30. In page 30, lines 14 to 16, subsection (3) deleted and the following substituted:

“(3) Nothing in *subsection (1)* shall prevent the disclosure of information by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995.

(4) Nothing in *subsection (1)* shall prevent the disclosure of information—

(a) to the Authority,

(b) by or on behalf of the Authority to the Minister, or

(c) which, in the opinion of a person referred to in that subsection, may relate to the commission of an indictable offence to—

(i) the Director of Corporate Enforcement,

(ii) the Competition Authority,

(iii) a member of the Garda Síochána,

(iv) an officer of the Revenue Commissioners,

(v) the Central Bank of Ireland, or

(vi) such other person as may be prescribed under *section 93* after consultation by the Minister with any other Minister of the Government appearing to the Minister to be concerned.”.

SECTION 20

31. In page 33, subsection (3)(a), line 18, “Finance” deleted and “Public Expenditure and Reform” substituted.

32. In page 33, subsection (3)(b), line 24, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 21

33. In page 34, subsection (1), line 10, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 22

34. In page 34, subsection (1), line 18, “Finance” deleted and “Public Expenditure and Reform” substituted.

35. In page 34, subsection (3), line 27, “Finance” deleted and “Public Expenditure and Reform” substituted.

36. In page 34, subsection (4), line 30, “Finance” deleted and “Public Expenditure and Reform” substituted.

[SECTION 22]

- 37.** In page 34, subsection (6)(b), line 41, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 23

- 38.** In page 35, subsection (2), line 22, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 26

- 39.** In page 37, subsection (4), line 46, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 27

- 40.** In page 38, line 7, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 28

- 41.** In page 38, subsection (1)(b), lines 18 and 19, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 29

- 42.** In page 38, subsection (2)(a), line 39, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 30

- 43.** In page 39, subsection (3)(b), line 18, “(if any)” deleted.

SECTION 31

- 44.** In page 40, subsection (2)(b), lines 31 and 32, all words from and including “certificate” in line 31 down to and including “proper” in line 32 deleted and the following substituted:

“report in the specified form by a duly qualified accountant that appropriate”.

SECTION 32

- 45.** In page 42, subsection (3)(g)(ii), line 7, after “(f)”, “of this subsection” inserted.
- 46.** In page 42, subsection (3)(h)(ii), line 17, after “(f)”, “of this subsection” inserted.
- 47.** In page 42, subsection (3)(i)(iii), line 31, after “(f)”, “of this subsection” inserted.

[SECTION 36]

SECTION 36

- 48.** In page 45, subsection (4)(b), lines 42 and 43, all words from and including “certificate” in line 42 down to and including “proper” in line 43 deleted and the following substituted:

“report in the specified form by a duly qualified accountant that appropriate”.

SECTION 38

- 49.** In page 47, subsection (2), lines 19 and 20, all words from and including “is” in line 19 down to and including “partnership” in line 20 deleted and “has a place of business as a licensee” substituted.

SECTION 39

- 50.** In page 48, subsection (2), lines 31 and 32, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 41

- 51.** In page 49, subsection (4), line 28, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 47

- 52.** In page 53, subsection (1)(l), line 17, after “auditor”, “or a duly qualified accountant” inserted.

SECTION 48

- 53.** In page 53, subsection (1), line 33, “A licensee” deleted and “Subject to subsection (2)*, a licensee” substituted.

[*Note: This is a reference to the section inserted by amendment No. 54.]

- 54.** In page 53, between lines 35 and 36, the following subsection inserted:

“(2) Subsection (1) shall not apply to a licensee who lodges client moneys (or who causes client moneys to be lodged) to an account (in this subsection referred to as the “relevant account”) other than a client account where—

- (a) the relevant account is an account into which charges levied under section 18 of the Multi-Unit Developments Act 2011 are paid for the purposes of a scheme referred to in that section, or
- (b) the relevant account is an account into which contributions fixed under section 19 of the Multi-Unit Developments Act 2011 are paid for the purposes of a sinking fund referred to in that section.”.

- 55.** In page 53, subsection (3)(a), line 41, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 49

- 56.** In page 56, subsection (6)(a), line 5, “fine not exceeding €5,000” deleted and “class A fine” substituted.

[SECTION 58]

SECTION 58

57. In page 60, subsection (2), lines 20 and 21, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 59

58. In page 60, subsection (1), line 23, “Where” deleted and “Subject to *subsection (2)**, where” substituted.

[*Note: This is a reference to the subsection inserted by amendment No. 59.]

59. In page 60, between lines 27 and 28, the following subsection inserted:

“(2) *Subsection (1)* shall not apply where land is offered for sale by auction in compliance with—

- (a) a court order under the Family Law Act 1995, or
- (b) a court order under the Family Law (Divorce) Act 1996.”.

60. In page 60, subsection (5), lines 43 and 44, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 60

61. In page 61, before section 60, the following new section inserted:

“Disclosure requirements applicable to vendor and licensee in relation to sale of residential property. —

60.—(1) Subject to *subsection (2)*, a licensee shall not provide information, advice or assistance, whether by means of a brochure, advertisement (in whatever media) or otherwise, to a purchaser of residential property in respect of the possible availability of a loan from a lender in respect of the purchase of the property unless

- (a) the vendor of the property has advised the licensee, in writing, whether or not the lender has provided or indicated the lender’s willingness to provide a loan (whether in whole or in part) for the development or construction (whether in whole or in part) of the property, and
- (b) the licensee informs the purchaser of whether or not the lender has provided or indicated the lender’s willingness to provide a loan (whether in whole or in part) for the development or construction (whether in whole or in part) of the property (which may be done, in the case of a brochure or advertisement, by including the information concerned in the brochure or advertisement, as the case may be).

(2) *Subsection (1)* shall not apply in any case where the vendor of the residential property concerned is, in his or her capacity as such vendor—

- (a) an individual acting outside his or her business, or
- (b) a person, or a person who falls within a class of persons, prescribed under *section 93* for the purposes of this paragraph.

(3) In this section “lender” includes a holding company and a subsidiary (within the meaning of section 155 of the Companies Act 1963) of the lender.”.

[SECTION 62]

SECTION 62

62. In page 61, subsection (1)(b), line 41, after “land),”, “booking deposits for the letting of land,” inserted.

63. In page 62, subsection (4), lines 15 to 17 deleted and the following substituted:

“licensees or classes of such persons is guilty of an offence and liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years or both.”.

SECTION 66

64. In page 67, subsection (1)(f), line 3, after “licensee,”, “the licensee’s principal officer,” inserted.

65. In page 69, subsection (17)(i), line 26, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 67

66. In page 70, lines 14 to 48 deleted, page 71 deleted and in page 72, lines 1 to 25 deleted and the following substituted:

“Protection for persons reporting improper conduct, etc.

67.—(1) A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication to the Authority, whether in writing or otherwise, of his or her opinion that any improper conduct by a licensee may have occurred or may be occurring, or that a contravention of a provision of this Act or of regulations made under this Act by a person other than a licensee may have been or may be being committed, unless—

(a) in communicating his or her opinion to the Authority did so—

(i) knowing it to be false, misleading, frivolous or vexatious, or

(ii) reckless as to whether it was false, misleading, frivolous or vexatious,

or

(b) in connection with the communication of his or her opinion to the Authority, furnished information that he or she knew to be false or misleading.

(2) The reference in *subsection (1)* to liability in damages shall be construed as including a reference to liability to any other form of relief.

(3) A person who makes a communication under *subsection (1)*, which the person knows to be false, that any improper conduct by a licensee may have occurred or may be occurring, or that a contravention of a provision of this Act or of regulations made under this Act by a person other than a licensee may have been or may be being committed, is guilty of an offence.

[SECTION 67]

(4) *Subsection (1)* is in addition to, and not in substitution for, any privilege or defence available in legal proceedings, by virtue of any statutory provision or rule of law in force immediately before the commencement of this section, in respect of the communication by a person to another (whether that other person is the Authority or not) of an opinion of the kind referred to in *subsection (1)*.

(5) An employer shall not penalise or threaten penalisation against an employee, or cause or permit any other person to penalise or threaten penalisation against an employee, for—

(a) having formed an opinion of the kind referred to in *subsection (1)* and communicated it, whether in writing or otherwise, to the Authority unless the employee—

(i) in communicating his or her opinion to the Authority did so—

(I) knowing it to be false, misleading, frivolous or vexatious, or

(II) reckless as to whether it was false, misleading, frivolous or vexatious,

or

(ii) in connection with the communication of his or her opinion to the Authority, furnished information that he or she knew to be false or misleading,

or

(b) giving notice of his or her intention to do the thing referred to in *paragraph (a)*.

(6) *Schedule 4* shall have effect for the purposes of *subsection (5)*.

(7) An employer who contravenes *subsection (5)* is guilty of an offence.

(8) A person guilty of an offence under *subsection (3)* or (7) shall be liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years or both.

(9) Any person who, upon examination on oath authorised under *paragraph 3(1)* of *Schedule 4*, wilfully makes any statement which is material for the purpose and which the person knows to be false or does not believe to be true is guilty of an offence and liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(10) A person to whom a notice under *paragraph 3(2)* of *Schedule 4* has been given and who refuses or wilfully neglects to attend in accordance with the notice or who, having so attended, refuses to give evidence or refuses or wilfully fails to produce any document to which the notice relates is guilty of an offence and liable on summary conviction to a class A fine.

(11) A document purporting to be signed by the chairperson or a deputy chairperson of the Labour Court stating that—

[SECTION 67]

- (a) a person named in the document was, by a notice under *paragraph 3(2) of Schedule 4*, required to attend before the Labour Court on a day and at a time and place specified in the document, to give evidence or produce a document, or both,
- (b) a sitting of the Labour Court was held on that day and at that time and place, and
- (c) the person did not attend before the Labour Court in pursuance of the notice or, as the case may be, having so attended, refused to give evidence or refused or wilfully failed to produce the document,

shall, in a prosecution of the person under *subsection (10)*, be evidence of the matters so stated without further proof unless the contrary is shown.

(12) For the purposes of this section, a reference to “dismissal” includes—

- (a) a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2007, and
- (b) a dismissal wholly or partly for or connected with the purpose of the avoidance of a fixed-term contract being deemed to be a contract of indefinite duration under section 9(3) of the Protection of Employees (Fixed-Term Work) Act 2003.

(13) *Paragraphs (a), (c), (d), (e) and (f)* of the definition of “penalisation” in *subsection (14)* shall not be construed in a manner which prevents an employer from—

- (a) ensuring that the business concerned is carried on in an efficient manner, or
- (b) taking any action required for economic, technical or organisational reasons.

(14) In this section—

“contract of employment” means a contract of employment or of service or of apprenticeship, whether the contract is express or implied and, if express, whether it is oral or in writing;

“employee” means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer;

“employer”, in relation to an employee, means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment, and includes—

- (a) a person (other than an employee of that person) under whose control and direction an employee works, and
- (b) where appropriate, the successor of the employer or an associated employer of the employer;

[SECTION 67]

“penalisation” means any act or omission by an employer, or by a person acting on behalf of an employer, that affects an employee to his or her detriment with respect to any term or condition of his or her employment, and, without prejudice to the generality of the foregoing, includes—

- (a) suspension, lay-off or dismissal,
- (b) the threat of suspension, lay-off or dismissal,
- (c) demotion or loss of opportunity for promotion,
- (d) transfer of duties, change of location of place of work, reduction in wages or change in working hours,
- (e) the imposition or the administering of any discipline, reprimand or other penalty (including a financial penalty),
- (f) unfair treatment, including selection for redundancy,
- (g) coercion, intimidation or harassment,
- (h) discrimination, disadvantage or adverse treatment,
- (i) injury, damage or loss, and
- (j) threats of reprisal.”.

SECTION 72

- 67.** In page 76, subsection (5), line 26, “fine not exceeding €5,000” deleted and “class A fine” substituted.
- 68.** In page 76, subsection (7), line 37, “Finance” deleted and “Public Expenditure and Reform” substituted.

SECTION 74

- 69.** In page 78, subsection (5), line 16, “fine not exceeding €5,000” deleted and “class A fine” substituted.
- 70.** In page 78, subsection (6), lines 19 and 20, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 78

- 71.** In page 79, subsection (1), lines 21 and 22, “partner, employee or agent or former partner” deleted and the following substituted:

“principal officer, employee or agent or former principal officer”.

- 72.** In page 79, subsection (2), lines 29 to 33 deleted and the following substituted:

“incurred by the client in seeking to recover it with, where the Authority thinks fit, interest at the rate for the time being standing specified under section 26 of the Debtors (Ireland) Act 1840 on the whole or any part of the amount or value of such loss”.

[SECTION 78]

73. In page 80, subsection (6)(a)(i)(II), lines 21 and 22, “partner, employee or agent or former partner” deleted and the following substituted:

“principal officer, employee or agent or former principal officer”.

74. In page 80, subsection (6)(a)(i)(III), lines 27 and 28, “partner, employee or agent or former partner” deleted and the following substituted:

“principal officer, employee or agent or former principal officer”.

75. In page 80, subsection (6)(a)(ii), lines 33 and 34, “partner, employee or agent or former partner” deleted and the following substituted:

“principal officer, employee or agent or former principal officer”.

76. In page 80, subsection (6), lines 38 to 47, paragraph (b) deleted and the following substituted:

“(b) In *paragraph (a)*, references to the licensee or any principal officer, employee or agent or former principal officer, employee or agent of the licensee include, in the event of the death, insolvency or other disability of such licensee, principal officer, employee or agent or former principal officer, employee or agent, references to the personal representative of such licensee, principal officer, employee or agent or former principal officer, employee or agent or any other person having authority to administer the estate of such licensee, principal officer, employee or agent or former principal officer, employee or agent.”.

77. In page 81, between lines 19 and 20, the following subsection inserted:

“(11) The Authority may, for the purposes of satisfying itself as referred to in *subsection (1)* or for the purposes of protecting its rights under *subsection (6)*, or for both such purposes, require any person to answer all questions, execute all documents and take all steps as may, in the opinion of the Authority, be necessary for any of those purposes, and may require a client of a licensee who claims he or she has sustained a loss referred to in *subsection (1)* to verify any document by affidavit.”.

SECTION 83

78. In page 83, subsection (1), line 9, “does” deleted and “shall” substituted.

SECTION 86

79. In page 84, before section 86, the following new section inserted:

“PART 12*

RESIDENTIAL PROPERTY SALES PRICES AND COMMERCIAL LEASES
DATABASE

Residential property sales prices.

86.—(1) The Authority shall, as soon as is practicable after the commencement of this section, maintain and publish particulars of residential property sales prices in the State, including—

- (a) the address of the property,

[SECTION 86]

- (b) the price at which the property was sold, and
- (c) the date of the sale of the property.

(2) The particulars referred to in *subsection (1)* may, at the Authority's discretion, relate, whether in respect of all residential properties in the State or a class of such properties, to sales of properties over a period of time, including a period of time which has elapsed before the commencement of this section.

(3) The Authority shall make the particulars referred to in *subsection (1)* available for inspection free of charge by any person on its Internet website in such a manner that the section of the website which contains the particulars is readily accessible by members of the public.”.

[*Note: This new Part comprehends the inclusion of amendments 79 to 81.]

80. In page 84, before section 86, the following new section inserted:

“Database of commercial property leases.

87.—(1) The Authority shall, as soon as is practicable after the commencement of this section, establish and maintain for the purposes of this Act a database relating to commercial property leases, to be known as the Commercial Leases Database.

(2) The Commercial Leases Database shall be in such form as the Authority thinks fit and shall, in respect of each relevant commercial lease which is in force, contain—

- (a) the address and description of the commercial property the subject of the lease,
- (b) the date of the lease of the property,
- (c) the term of years of the lease,
- (d) the rent payable in respect of the property,
- (e) the particulars provided to the Authority under *section 88** in relation to the property, and
- (f) such other particulars as may be prescribed by regulations made under *section 92* for the purposes of this paragraph.

(3) Subject to *subsection (4)*, the Commercial Leases Database may, at the Authority's discretion, contain, in respect of a commercial property lease, the particulars provided for in *paragraphs (a) to (d)* of *subsection (2)* notwithstanding the fact that such a lease was entered into before the commencement of this section.

(4) *Subsection (3)* shall not apply to a commercial property lease entered into more than 5 years before the commencement of this section.

(5) The Authority shall make the Commercial Leases Database available for inspection by any person, on payment of the appropriate fee—

- (a) at its principal office during normal working hours, and
- (b) on its Internet website in such a manner that the section of that website which contains the Database is readily accessible by such person.”.

[*Note: This is a reference to the section inserted by amendment No. 81.]

[SECTION 86]

81. In page 84, before section 86, the following new section inserted:

“Tenants to provide Authority with particulars of relevant commercial leases.

88.—(1) The tenant under a relevant commercial lease (or such other person as the tenant has authorised in writing to act on his or her behalf for the purposes of this subsection in so far as it relates to the lease) shall, within the relevant period immediately following the day on which a stamp certificate is received by or on behalf of the tenant from the Revenue Commissioners in respect of the lease, give to the Authority a notice in the specified form setting out (in addition to the particulars specified in *paragraphs (a) to (d) of section 87(2)**)—

- (a) the commencement date of the terms of the lease,
- (b) the capital consideration (if any) to be paid by the tenant or landlord in respect of the commercial property the subject of the lease,
- (c) the frequency of the rent review in respect of the property,
- (d) the particulars relating to who is liable in respect of the rates, insurance, service charges and repairs in respect of the property,
- (e) the net floor area, per each floor, of the property,
- (f) the particulars (if any) relating to rent-free periods, fitting out time allowed, fit out allowances and capital contributions in respect of the property,
- (g) the particulars relating to any break-clause in the lease,
- (h) the certificate identification number (within the meaning of regulation 2 of the Stamp Duty (E-stamping of Instruments) Regulations 2009 (S.I. No. 476 of 2009)) of that stamp certificate, and
- (i) such other particulars as may be prescribed by regulations made under *section 92* for the purposes of this paragraph.

(2) Where a reviewed rent has been determined (whether or not the rent concerned is increased, decreased or remains the same) in respect of a relevant commercial lease (whether by agreement or otherwise), the tenant under the lease (or such other person as the tenant has authorised in writing to act on his or her behalf for the purposes of this subsection in so far as it relates to the lease) shall, within the relevant period immediately following the day of the determination, give to the Authority a notice in the specified form setting out—

- (a) the particulars of the reviewed rent,
- (b) the particulars of any other variations made to the lease during, or for the purposes of, the rent review, and
- (c) such other particulars as may be prescribed by regulations made under *section 92* for the purposes of this paragraph.

(3) Where a tenant ceases to have an interest in a commercial property which is the subject of a relevant commercial lease, the tenant (or such other person as the tenant has authorised in writing to act on his or her behalf for the purposes of this subsection in so far as it relates to the cesser) shall, within the relevant period immediately following the day on which the cesser takes effect, give the Authority a notice in the specified form setting out particulars of the cesser (including the day on which it takes effect).

[SECTION 86]

(4) A provision (howsoever expressed) of any contract or other agreement which has as its object or effect the prevention of the disclosure of any of the particulars referred to in *subsection (1), (2) or (3)*, whether to the Authority or to other persons or to both, shall not prevent the disclosure of those particulars to the Authority in accordance with this section.

(5) A person who, without reasonable excuse, contravenes *subsection (1), (2) or (3)* is guilty of an offence and liable on summary conviction to a class A fine.

(6) In this section, “relevant period” means—

(a) the period prescribed by regulations made under *section 92* for the purposes of this definition,

(b) if no such period is so prescribed for the time being, 30 days.”.

[*Note: This is a reference to the section inserted by amendment No. 80.]

SECTION 88

82. In page 86, subsection (2), lines 29 to 32, paragraphs (a) and (b) deleted and the following substituted:

“(a) imposition of a minor sanction on a licensee pursuant to a decision under *section 68(4)(a)*,

(b) imposition of a minor sanction on a licensee pursuant to a decision given under *section 70(3)*, or

(c) imposition of a minor sanction on a licensee pursuant to a determination under *paragraph 25(1)(a) or (c) of Schedule 5*.”.

SECTION 89

83. In page 87, subsection (1)(e), line 8, “reside” deleted and “resides” substituted.

SECTION 91

84. In page 88, subsection (1), lines 7 and 8, “fine not exceeding €5,000” deleted and “class A fine” substituted.

SECTION 93

85. In page 90, subsection (2), line 42, “*section 3*” deleted and “*section 3(1)*” substituted.

86. In page 90, subsection (2), line 45, “outwith” deleted and “outside” substituted.

87. In page 90, subsection (3), line 51, “Finance” deleted and “Public Expenditure and Reform” substituted.

SCHEDULE 2

88. In page 97, paragraph 1, lines 24 to 26, clause (i) deleted and the following substituted:

[SCHEDULE 2]

“(i) a statement of the obligation (if any) on the licensee, pursuant to sections 42 and 43 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, to report, to the Garda Síochána and the Revenue Commissioners, suspicious transactions and transactions involving places designated under section 32 of that Act.”.

SCHEDULE 4

89. In page 102, paragraph 1(1), line 5, “his or her parent or guardian” deleted and the following substituted:

“the employee’s parent or guardian with the consent of the employee) or, with the consent of the employee, any trade union of which the employee is a member,”.

90. In page 102, paragraph 1(1), line 6, “his or her” deleted and “the employee’s” substituted.

91. In page 102, paragraph 1(3)(b), line 22, after “action” the following inserted:

“, which may include, in a case where the penalisation constitutes a dismissal within the meaning of *section 67(12)**, re-instatement or re-engagement”.

[*Note: This is a reference to the section inserted by amendment No. 66.]

92. In page 102, paragraph 1(3)(c), line 27, after “regulations”, “made” inserted.

93. In page 102, paragraph 1(4), line 34, “A rights” deleted and “Subject to *subparagraph (10)**, a rights” substituted.

[*Note: This is a reference to the subparagraph inserted by amendment No. 96.]

94. In page 102, paragraph 1(5), line 43, “a reasonable cause” deleted and “exceptional circumstances” substituted.

95. In page 103, paragraph 1(6), line 2, “Enterprise, Trade and Employment” deleted and “Jobs, Enterprise and Innovation” substituted.

96. In page 103, paragraph 1, between lines 9 and 10, the following inserted:

“(10) Where a delay by an employee in presenting a complaint under this paragraph is due to any misrepresentation by the employer, *subparagraph (4)* shall be construed as if the reference to the date of the contravention were a reference to the date on which the misrepresentation came to the employee’s notice.”.

97. In page 103, paragraph 2(1), line 12, “*paragraph 1*” deleted and “*paragraph 1(2)*” substituted.

98. In page 104, paragraph 3(4), line 23, after “brought,” the following inserted:

“or, if such appeal has been brought, it has been abandoned,”.

99. In page 104, paragraph 3, lines 43 to 47, *subparagraph 8* deleted and the following substituted:

[SCHEDULE 4]

“(8) (a) If penalisation of an employee, in contravention of *section 67(5)**, constitutes a dismissal of the employee as referred to in *paragraph (a)* of the definition of “penalisation” in *section 67(14)**, the employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with the consent of the employee) may institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2007 or to recover damages at common law for wrongful dismissal and, if the employee or his or her parent or guardian, as the case may be, does so, a complaint in relation to such dismissal may not be presented to a rights commissioner under *paragraph 1(1)*.

(b) If an employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with the consent of the employee) presents a complaint to a rights commissioner under *paragraph 1(1)* in respect of a dismissal referred to in *clause (a)*, the employee or his or her parent or guardian, as the case may be, may not institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2007 or to recover damages at common law for wrongful dismissal.”.

[*Note: This is a reference to the section inserted by amendment No. 66.]

100. In page 104, paragraph 3, after line 47, the following inserted:

“(9) There shall be included among the debts which, under section 285 of the Companies Act 1963 (as amended by section 10 of the Companies (Amendment) Act 1982 and section 134 of the Companies Act 1990) are, in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, all compensation payable by virtue of a decision under *paragraph 1(2)(b)* or a determination under *paragraph 2(1)* by the company to an employee, and that Act shall have effect accordingly. Formal proof of the debts to which priority is given under this subparagraph shall not be required except in cases where it may otherwise be provided by rules made under that Act.

(10) There shall be included among the debts which, under section 81 of the Bankruptcy Act 1988 are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts, all compensation payable by virtue of a decision under *paragraph 1(2)(b)* or a determination under *paragraph 2(1)* by the bankrupt or arranging debtor, as the case may be, to an employee, and that Act shall have effect accordingly. Formal proof of the debts to which priority is given under this subparagraph shall not be required except in cases where it may otherwise be provided under that Act.”.

101. In page 105, paragraph 4(1)(a), line 7, after “concerned” the following inserted:

“(or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with the consent of the employee)”.

[SCHEDULE 4]

102. In page 105, paragraph 4(3), lines 24 to 28 deleted and the following substituted:

“pay to the employee concerned interest on the compensation at the rate for the time being standing specified under section 26 of the Debtors (Ireland) Act 1840 in respect of the whole or part of the period beginning 28 days after the day on which the”.

103. In page 105, paragraph 4(4), line 34, after “any”, “profession,” inserted.

104. In page 105, after line 37, the following inserted:

“Amendment of Protection of Employees (Employers’ Insolvency) Act 1984

5. Section 6 of the Protection of Employees (Employers’ Insolvency) Act 1984 (as amended by Schedule 2 to the Criminal Justice Act 2011) is amended—

(a) in subsection (2)(a)—

(i) in subparagraph (xxvi), by deleting “and” after “that Schedule,”,

(ii) in subparagraph (xxvii), by substituting “that Schedule, and” for “that Schedule.”, and

(iii) by inserting the following subparagraph after subparagraph (xxvii):

“(xxviii) any amount which an employer is required to pay by virtue of a decision of a rights commissioner under *paragraph 1(2)(b) of Schedule 4 to the Property Services (Regulation) Act 2011* or a determination by the Labour Court under *paragraph 2(1) of that Schedule.*”,

(b) in subsection (2)(b), by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”,

(c) in subsection (2)(c), by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”, and

(d) in subsection (9), in the definition of “relevant date”, by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”.

SCHEDULE 5

105. In page 106, paragraph 1, line 8, “Finance” deleted and “Public Expenditure and Reform” substituted.

106. In page 108, paragraph 5, line 9, “Finance” deleted and “Public Expenditure and Reform” substituted.

107. In page 109, lines 39 to 42, paragraph 11 deleted.

SCHEDULE 6

108. In page 116, lines 9 to 11, paragraph 3 deleted and the following substituted:

[SCHEDULE 6]

“3. The Authority may, with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform and the Minister for Finance, borrow for the Fund and, for the purpose of giving security in respect of such borrowing, may charge investments of the Fund.”.

109. In page 117, after line 3, the following inserted:

“7. The Authority shall keep all proper and usual accounts of all moneys paid into the Fund and disbursements from the Fund, including—

(a) an income and expenditure account,

(b) a cash-flow statement, and

(c) a balance sheet.

8. As soon as may be after the end of each financial year of the Authority, the Authority shall submit—

(a) the accounts of the Fund to the Comptroller and Auditor General for audit, and

(b) a copy of an abstract of the accounts as so audited together with a copy of the report of the Comptroller and Auditor General thereon to the Minister.

9. The Minister shall cause copies of the 2 documents referred to in *paragraph (8)(b)* to be laid before each House of the Oireachtas as soon as may be after the documents are submitted to him or her by the Authority.”.

SCHEDULE 8

110. In page 125, after line 52, the following inserted:

“Amendment of Stamp Duties Consolidation Act 1999.

9. The Stamp Duties Consolidation Act 1999 is amended by inserting the following sections after section 137A:

“Information exchange with Property Services Regulatory Authority. 137B.—(1) In this section “Authority” means An tUdarás Rialála Seirbhísí Maoine or, in the English language, the Property Services Regulatory Authority.

(2) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure or production of information obtained by or furnished to the Commissioners, the Commissioners shall, at such intervals as are specified by the Authority on or after the establishment day within the meaning of *section 2(1)* of the *Property Services (Regulation) Act 2011*, supply to the Authority, such information in the Commissioners’ e-stamping system (including information which was in that system before that establishment day) as may be required by the Authority for the performance of the functions of the Authority.

[*SCHEDULE 8*]

Provision of information to Commissioner of Valuation.

137C.—(1) In this section “Commissioner of Valuation” means a Commissioner appointed under section 9(5) of the Valuation Act 2001.

(2) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure or production of information obtained by or furnished to the Commissioners, the Commissioners shall, at such intervals as are specified by the Commissioner of Valuation, supply to the Commissioner of Valuation such information in the Commissioners’ e-stamping system as may be required by the Commissioner of Valuation for the performance of the functions of the Commissioner of Valuation.”.”

111. In page 125, after line 52, the following inserted:

“Amendment of Schedule 5 to Social Welfare Consolidation Act 2005.

10. Schedule 5 to the Social Welfare Consolidation Act 2005 is amended, in paragraph 1(4), by substituting the following for “the Probate Office,”:

“the Probate Office,

the Property Services Regulatory Authority,”.”